

In The United States District Court
for The District of Texas**FILED**

April 28, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY:

RR

DEPUTY

Cause No.

5:22-CR-00304-XR**5:23-CR-00136-XR**United States of America §
PlaintiffVS
Sean Aaron Smith
DefendantMotion To Request Federal Sentence Be Served Concurrently
With State Sentence or To Allow Federal Sentence To Be
Served First

COMES NOW the defendant, Sean Aaron Smith, By and
Through self, pro se, and respectfully moves This court for an
order allowing The federal sentence imposed in This case to
Be served concurrently with The state sentence That The
Defendant is currently serving, or alternatively, to permit The
defendant to serve The federal sentence first while in state
custody. In support of This motion, The defendant respectfully
submits The following:

BACKGROUND

1. Defendant's current custody: The defendant is currently
Incarcerated in The Texas Department of Criminal Justice (TDCJ),
following conviction and sentencing in The Texas Court for: Felon
in Possession of A FireArm 2021CR234323

2. Federal conviction: The defendant was convicted in This
Court on , and was sentenced to a term of
Imprisonment of 78 month in The Bureau of Prisons.

3. Detainer and Federal sentence: A detainer has been placed by the U.S. Marshals on the defendant, indicating that the defendant has been sentenced on federal charges, and is to be transferred to federal custody once their state sentence has been completed.

4. State sentence: The defendant's state sentence is expected to be completed on: 5-13-2039

5. Request: The defendant respectfully request that this court issue an order to run the federal sentence concurrently with the state sentence, or in the alternative, allow the defendant to serve the federal sentence first, while remaining in state custody.

ARGUMENT

1. Legal basis for concurrent sentencing: Under 18 U.S.C. § 3584(a), a federal court has the authority to order that a sentence run concurrently or consecutively to any other sentence. The defendant submits that it is in the interest of justice for the federal sentence to be served concurrently with the state sentence, as both charges arise from distinct, but parallel criminal conduct, and the defendant has shown a willingness to comply with the terms of incarceration.

2. Federal and state cooperation: The defendant requests this court to recognize that the Bureau of Prisons and state authorities may agree to allow the defendant to serve the federal sentence concurrently with the state, even while incarcerated in the state system. This is especially appropriate where the defendant is not a flight risk and

Case 5:23-cr-00126-XR Document 36 Filed 04/28/25 Page 3 of 7
There are no concerns regarding the severity of the federal offense that would require a separate federal facility.

3. Equitable Consideration: The Defendant Already Served a substantial period of incarceration on the state charges and it would be prejudicial and unconstitutional to delay before beginning service of federal charges sentence. Serving the federal sentence concurrently will allow the defendant to begin fulfilling the federal obligation without further delay, while ensuring that the time spent incarcerated on the state charges counts toward the federal sentence.

4. Precedent for Concurrent Sentencing: Courts have historically permitted federal sentences to run concurrently with state sentences where the defendant is in state custody and where so would serve the interest of justice. See: United States v. Quintero, 34 F.3d 389 (9th Cir. 1994), holding that a federal court may allow concurrent sentences when there is cooperation between federal and state authorities and no legal conflict.

5. Logistical Convenience: Additionally, by allowing the defendant to serve the federal sentence while in state custody, this would reduce the logistical burden on both the state and federal systems and potentially reduce the strain on federal resources that would be required to transfer the defendant to a federal facility.

6. Further Considerations: The defendant further requests that

The Court grant any other considerations The
foregoing matter it sees fit, equitable, & fair.

Conclusion

For The reasons set forth above, The Defendant
respectfully moves That This Court issue an order
allowing The defendant's federal and state sentence run
concurrently with The state, and/or alternatively allow
The defendant begin serving The federal sentence while in
state custody

Respectfully Submitted
Pro Se
Sean Aaron Smith

X
DOC# _____

CERTIFICATE OF SERVICE

I hereby certify that a True and correct copy of
The foregoing Instrument was served on The [U.S.
Attorney's office /state Prosecutor] on _____

Pro Se

Sean AARON SMITH

X _____

TODAY _____

Sir /mama

Included is a motion to be filed in the US District Court concerning: Sean Aaron Smith TDCJ # 2495263, and my Federal charges of Felon in Poss. of a Firearm, and 844I Arson. I have a concurrently running sentence of 78 months. I do not have the cause #s and would request that the clerk please fill in the appropriate cause numbers for appropriate filing of the included motion.

Thank you

Sean Aaron Smith

TDCJ #

X

Sean Smith #2495263
1695 S Buffalo Dr
78590 Raymondville
Texas

U.S. Federal Court House

262 W. Nueva St
SA, Texas 78207

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WESTERN DISTRICT OF TEXAS
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